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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No.260/00348 of 2015

Cuttack this the 4<sup>th</sup> day of September, 2015

CORAM

HON'BLE SHRI R.C.MISRA, MEMBER(A)

Miss Anupama Tripathy aged about 59 years daughter of Lte Satyabadi Tripathy At Satyanivas, PO Talamalisahi, PS Kumbharpada, District/Town Puri, at present working as Social Worker HRRC (ICMR) Department of Obstetrics & Gynaecology, S.C.B. Medical College and Hospital, At/PO/PS Mangalabag, Town and District Cuttack.

...Applicant

By the Advocate(s)-Ms. R.Sikdar

-VERSUS-

1. Union of India represented by its Secretary, Ministry of Health and Family Welfare, Government of India, New Delhi.
2. Director, National Institute for Research in Reproductive Health (NIRRH), Jehangir Merwanji Street, Parel, Mumbai – 12.
3. Indian Council of Medical Research (ICMR) represented by its Director General, Ansari Nagar, New Delhi – 110 029.
4. Hony. Director, HRRC (ICMR), Department of Obstetrics and Gynaecology, SCB Medical College and Hospital, At/PO/PS Mangalabag, Cuttack – 07.

...Respondents

By the Advocate(s)-Mr. M.R.Mohanty

**ORDER(Oral)**

**R.C.MISRA, MEMBER(A):**

Heard Ms.R.Sikdar, learned counsel for the applicant and Mr.S.Behera, learned SCGPC on behalf of Mr.M.R.Mohanty, learned ACGSC, who is absent because of illness. On earlier occasion, this Tribunal had directed Mr.Mohanty



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to obtain instructions regarding status of the representation made by the applicant to the Director General of ICMR (Res.No.3). In spite of this, learned counsel for the respondents has not been able to obtain any instructions in the matter. Mr.Behera submitted that although repeated reminders have been sent to the Department, no response has been received regarding the action taken on the disposal of the pending representation.

2. Ms.Sikdar submitted that the applicant was appointed as a Social Worker vide letter dated 30.12.1986 in the <sup>P</sup> Human Reproductive Research Centre, ICMR in the Department of Obstetrics and Gynaecology in S.C.B.Medical College and Hospital, Cuttack. Grievance of the applicant is that even though she has been working continuously and discharging her duties sincerely, the matter of her regularization is still pending with the concerned authorities. It is the case of the applicant that similarly situated persons at Chennai had approached the Central Administrative Tribunal , Madras Bench in O.A.No.1332 of 2000 and the Tribunal, vide order dated 4.12.2001 was pleased to direct the respondents to consider the case of the applicants therein for regularization within a period of three weeks. This order of the Tribunal was challenged by the respondents before the Hon'ble High Court of Madras in W.P.C.No.25574/2002 and the Hon'ble High Court of Madras held



that the respondents/employees having put in service for years together ranging from 12 to 30 years continuously in HRRCs being run by ICMR without any break on year to year basis and admittedly the concerned HRRCs <sup>being</sup> ~~are~~ in existence for decades together and not for limited period, they are certainly entitled for regularization of their service. This order of the Hon'ble High Court of Madras on being appealed of in SLP No.18536-18538/2013, the Hon'ble Supreme Court vide order dated 31.7.2014 held that in totality of the fact of the cases, the High Court was correct in the conclusion arrived. Thereafter, the services <sup>of</sup> ~~employees~~ of the HRRC Centres of Egmore, Chennai were regularized from <sup>the dates of</sup> ~~their~~ initial appointments. Drawing an analogy from the above decisions of the CAT, Madras Bench, Hon'ble High Court of Madras and the Hon'ble Supreme Court, Ms.Sikdar pleaded that similar consideration should be given to the case of the applicant in the present O.A. as the applicant is going to retire in July, 2016. It <sup>has</sup> ~~is~~ also been brought to my notice by the learned counsel for the applicant that vide letter dated 1.6.2010, Assistant Director General(Admn.) in the Office of Director General, ICMR, has written to the Professor & HoD, Obstetrics and Gynaecology, SCB Medical College and Hospital, Cuttack asking him to obtain undertaking from the staff appointed/working under HRRC after 1.12.1987 by 9<sup>th</sup> June, 2010, so as to complete the process for finalizing the policy of regularization.



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3. I have taken into account the facts put forth by the learned counsel for both the sides and also perused the records. It appears that applicant's representation dated 17.4.2014 made to Respondent No.3 is still pending consideration, presumably, in view of letter issued from the O/o. Director General, ICMR to the Prof. & HoD, Obstetrics and Gynaecology, SCB Medical College and Hospital, Cuttack for obtaining undertaking of the staff appointed/working under HRRC. Therefore, at this stage, without entering into the merit of the matter, I would direct Respondent No.3 to consider the pending representation of the applicant in accordance with the extant rules as well as in keeping with the decisions of the CAT, Madras Bench, Hon'ble High Court of Madras and the Hon'ble Apex Court, as referred to above, and communicate a decision thereon through a reasoned and speaking order to the applicant within a period of three months from the date of receipt of this order.

4. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

5. On the prayer made by learned counsel for the applicant copy of this order along with the paper book be sent to Respondent No.3 at the cost of the

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applicant for which Ms.R.Sikdar undertakes to file the postal requisites by 7.9.2015.

6. Free copy of this order be made over to learned counsel for both the sides.



(R.C.MISRA)  
MEMBER(A)

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